

ATTORNEY DOCKET NO: 71632

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : ABATE et al.
Serial No : 10/516,345
Confirm. No : 9500
Filed : November 30, 2004
For : METHOD OF FORMING...
Art Unit : 1772
Examiner : Brent T. O'Hern
Dated : July 5, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO REQUIREMENT UNDER PTC RULE 13.1

_____ Applicant hereby elects Group 1 with Claims 1-6 and 11-14 drawn to method for forming a film. However, in view of the close relationship between the method of forming a film and the film and bag formed thereby, Applicant respectfully traverses the requirement. In the present case, the bag/film claim expressly is claimed based on the method steps. This is essentially a product by process claim. Although the process steps themselves are not claimed, the structure which results from this is particular to the method and the structure had aspects which are directly related to the method, namely share the same special technical features. Further, it is believed that relevant document WO 02/074,522 does not suggest and does not teach the combination of features linking the two inventions.

Accordingly, reconsideration of the requirement is requested.

Respectfully submitted
for Applicant,



By: _____

John James McGlew
Registration No. 31,903
McGLEY AND TUTTLE, P.C.

JJM:pl
71632-5

DATED: July 5, 2006
BOX 9227 SCARBOROUGH STATION
SCARBOROUGH, NEW YORK 10510-9227
(914) 941-5600

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE
IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 13-
0410.